

REMARKS

Claim 1 has been amended. Claim 4 has been canceled. New claims 6 and 7 have been added. Claims 1-3 and 5-7 remain pending.

Claim Rejections under 35 U.S.C. §103

Claims 1, 2 and 4-5 stand rejected under 35 U.S.C. §103(a) as being unpatentable over JP 11-100864 to Tanaka Hisao in view of U. S. Patent No. 6,502,896 to Nakata et al.

Claim 3 stands rejected under 35 U.S.C. §103(a) as being unpatentable over JP 11-100864 to Tanaka Hisao as modified by U. S. Patent No. 6,502,896 to Nakata in view of U. S. Patent No. 6,669,272 to Ayabe et al.

Patentability of the Claims

Claim 1 has been amended to more fully define Applicants' invention to include defining that the first door panel is pivotally supported on the left center pillar of the cab box by use of door hinges and that a second door panel is foldably connected to the first door panel by use of intermediary hinges. A first holder member is defined as being attached to the first door panel and a separate second holder member is attached to the second door panel which retains the folding type door in an open door position by engaging two catch members located in spaced fore and rear positions.

New claims 6 and 7 have also been added which define the invention as further including a door cushion member provided on the left rear side section of the cab which cushions the folding type door when it is retained in an open door position. Claim 7 further defines the door cushion member as being comprised of a bracket

having a resilient cushion member attached thereto. Support for claiming these additional features is found in the specification at page 26, line 11- page 27, line 1.

The present invention is directed to a problem peculiar to a folding type door which is comprised of a pair of door panels. A problem with this type of folding door is that the panels easily rattle when the door is kept in a fully open position. The rattling also causes deterioration of the hinges. The current invention features an folding type door provided with two catch members and two holding members. Thus, in the current invention, it is possible to prevent the folding type door from rattling and keeping the folding type door in a fully open position. Each door is provided with a separate holder member and two catch members are provided which are located in spaced fore and rear positions on the left rear side section of the cab box to be attachably or detachably engaged with the first and second holder members. The addition of a door cushion member as defined in claims 6 and 7 further prevents the doors from rattling when they are in an open position since the resilient member of the door cushion member functions to cushion the folding type door against rattling.

As discussed hereafter, each of the cited Hisao and Ayabe references only discloses a folding door with one catch member and one holder member and the Nakata reference only discloses a single door with a single locking element on the door and a cooperating single locking device on the cab. Moreover, none of the cited prior art references discloses the use of a cushion member in combination with two holder members and two catch members as in Applicants' invention

With regard to the cited prior art Hisao, JP 11-100864 (Hisao) discloses a rotatable working machine mounting a cabin 12 on a revolving frame 8, and having an openable and closeable door 32 on an opening 31 formed in a left side of the cabin 12. The door 32 is comprised of a first door panel 34 and a second door panel

35. Only a single engaging member 41 is provided on the second door panel 34 and only a single locking mechanism 40 is provided on the outer peripheral side of the cabin 12.

Nakata et al., U.S. Patent No. 6,502,896 (Nakata) discloses a working vehicle comprising an openable and closeable door 32 attached to an opening 31 of a cab 12. Only a lock element 36 is provided on the door 32 and only a single locking device 41 is provided on a side panel 37 of the cab 12.

Ayabe et al., U.S. Patent No. 6,669,272 (Ayabe) discloses a door 15 provided on the left side of a cabin 8 which door is foldable by connecting a rear door 15a and a front door 15b with hinges 24. Furthermore, Ayabe discloses the hinges 24 covered by a sealing member 27.

The present invention as defined in claim 1 has three characteristic points:

(1) the door is a folding type door provided by a first door panel pivotally supported on said left center pillar of said cab box by use of door hinges and a second door panel foldably connected to said first door panel by use of intermediary hinges;

(2) two holder members are separately attached on said first door panel and said second door panel which comprise said folding type door, for retaining said folding type door in an open door position when said folding type door is opened; and

(3) the left rear side section of the cab box is provided with two catch members located in spaced fore and rear positions to be attachably or detachably engaged with said two separate holder members when said folding type door is in an open door position.

Moreover, as defined in new claims 6 and 7, the present invention further includes a door cushion member provided on the left rear side section of the cab which cushions the folding door when it is retained in an open position.

Therefore, in the present invention it is possible to prevent the folding type door from rattling when the folding type door is at the opened position and keep the door stable by keeping the folding type door in a fully opened position.

In contrast, Hisao discloses a door provided by two door panels 34, 35. However, an engaging member 41 is only provided on a second door panel 35 and only one lock mechanism is provided at the outer peripheral side of a cabin 12.

Nakata discloses a door 32 consisting of one panel. The door 32 is not a folding type door. Moreover, there is only one lock element 36 and locking device 41 each disclosed in Nakata. There is no suggestion in either of Nakata or Hisao of combining the references in the manner done so by the Examiner.

As mentioned above, none of the three references disclose a construction providing holding members separately on each door panel of the folding type door while providing two catch members located in spaced fore and rear positions of the cab box as is the present invention. Neither do any of these references disclose such a construction in combination with a door cushion member as called for in new claims 6 and 7.

Moreover, as noted in Nakata at page 2, col. 4, lines 54-56, the lock element 36 and the locking device 41 are only to keep the single panel door fully opened.

Also, in Hisao, the engaging member 41 and the lock mechanism 40 of Hisao are also only a way to keep a door 32 at a fully opened position.

Consequently, combining an invention providing one door panel, a holding member and a catch member as in Nakata with an invention providing two door

panels, a holding member and a catch member as in Hisao, does not achieve the construction and advantages of the invention as now claimed.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants contend that the above-identified application is now in condition for allowance. Accordingly, reconsideration and reexamination are respectfully requested.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger & Malur, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. H&C-5244).

Respectfully submitted,

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